

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

SHANNON MCLEAN

PLAINTIFF

v.

CIVIL ACTION NO. 1:19-CV-00122-GHD-RP

MISSISSIPPI STATE UNIVERSITY; et al.

DEFENDANTS

ORDER

Pursuant to an opinion entered this date, it is hereby ORDERED that:

- (1) the Defendants' motion to dismiss [17] is GRANTED IN PART and DENIED IN PART;
- (2) the portion of the motion seeking dismissal of the Plaintiff's claims against Defendants Dr. Andrew Mackin, Dr. Gary Burt, and Julie Burt, which includes an assertion of QUALIFIED IMMUNITY, is GRANTED based on qualified immunity, and the Plaintiff's claims against these three Defendants are DISMISSED WITH PREJUDICE;
- (3) the portion of the motion seeking dismissal of the Plaintiff's claims against the Defendant President Mark Keenum, in his official capacity, based on Eleventh Amendment Immunity, is DENIED; and
- (4) the Plaintiff's claims against the Defendant Mississippi State University and the Defendant President Mark Keenum, in his official capacity, shall proceed.

All memoranda, depositions, declarations, and other materials considered by the Court in ruling on these motions are hereby incorporated into and made a part of the record in this action.

SO ORDERED, this 14<sup>th</sup> day of July, 2020.

  
\_\_\_\_\_  
SENIOR U.S. DISTRICT JUDGE